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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,777	07/13/2000	Hideaki Satoh	32405 WK 034	3971

7590 02/12/2004

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EXAMINER
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WAXMAN, ANDREW

ART UNIT	PAPER NUMBER
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2667

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DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/615,777

Applicant(s)

SATOH ET AL.

Examiner

Andrew M Waxman

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1 – 10, and 14 – 23 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Groups I – III, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

### ***Claim Objections***

Claims 11 – 13 are objected to because of the following informalities: they do not begin with a capital letter “A”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshiki et al. (S61-253945) in view of Amada et al. (US 5,241,543), hereinafter referred to as Hoshiki and Amada respectively.

Regarding claims 11 and 13, Hoshiki discloses a method and system including determining a transmitting node based on a token circulated among a plurality of nodes (see page

Art Unit: 2667

4, paragraph 2), and transmitting data by specifying another specific node as a destination (see page 11 paragraph 1).

Hoshiki does not expressly disclose obtaining clock information and adding the clock information to the data to be transmitted. Hoshiki does not further disclose determining a clock master for providing a reference clock, transmitting data including the clock information, receiving the clock information within data by other nodes, and adjusting the internal clock to the reference clock indicated by the received clock information.

Amada discloses a system and method obtaining clock information and adding the clock information to the data to be transmitted (see Abstract). Hoshiki does not further disclose determining a clock master for providing a reference clock, transmitting data including the clock information, receiving the clock information within data by other nodes, and adjusting the internal clock to the reference clock indicated by the received clock information (see Abstract).

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to include the clock synchronization method, as disclosed by Amada, in the invention as disclosed by Hoshiki.

One of ordinary skill in the art would have been motivated to do this in order to help facilitate the elimination of clock jitter accumulation. See 'Amada' col. 5 : 24 – 5 : 28.

***Claim Rejections - 35 USC § 103***

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshiki in view of Amada and Hoho et al. (H5-257852), hereinafter referred to as Hoho.

Regarding claim 12, Hoshiki in view of Amada discloses all of the limitations as recited above with respect to claim 11.

Hoshiki in view of Amada does not expressly disclose a first mode of transmitting, including the clock information, and a second mode of transmitting, not including the clock information.

Hoho discloses a transmission system and method including two different modes for transmitting, one including adding control information (which inherently includes clocking info) to a packet prior to transmission, and a second mode which does not include adding control information to the packet. See Page 3 paragraph 3 – page 4 paragraph 1.

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to include the two modes, as described by Hoho, in the invention as disclosed by Hoshiki in view of Amada.

One of ordinary skill in the art would have been motivated to do this in order to facilitate the enhancement of system control capacity by reducing the number of types of times to be

Art Unit: 2667

anaged by a computer, by helping to simplify the routines on the computer side for the purpose of minimizing the processing load. See 'Hoho' page 13 paragraph 2.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew M. Waxman

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 2/9/08